

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

THE ESTATE OF THE UNBORN CHILD OF
JENNIFER JAWSON, et al.,

Plaintiffs,

v.

Case No: 2:19-cv-01008

ARMOR CORRECTIONAL
HEALTH SERVICES INC., et al.,

Defendants.

**DEFENDANT DR. KAREN RONQUILLO'S CIVIL L. R. 7(H) EXPEDITED NON-
DISPOSITIVE MOTION TO ADJOURN TRIAL**

NOW COMES the defendant, Dr. Karen Ronquillo, by and through her attorneys, Otjen Law Firm, S.C., and hereby moves to adjourn the trial currently set for February 5, 2024 pursuant to Civil Local Rule 7(H) and Federal Rule of Civil Procedure 6.

I. INTRODUCTION

The defendant, Dr. Karen Ronquillo, is requesting that the Court adjourn the trial in this matter. Dr. Ronquillo seeks an adjournment as her father's health has deteriorated and he may pass at any time.

Ruben Ronquillo is Dr. Ronquillo's father and he has been diagnosed with Stage 3-Stage 4 COPD with congestive heart failure. (Declaration of Karen Ronquillo, ¶ 2). Dr. Ronquillo's father needs continuous oxygen to maintain his oxygen saturation and has been mostly bedridden. (*Id.*) It is Dr. Ronquillo's understanding that her father's medications, including inhalers utilized to treat his medical conditions, are no longer effective and providing relief of his symptoms. (*Id.*

at ¶ 3). It is also her understanding that he has chosen to spend his remaining days at home instead of a hospital. (*Id.* ¶ 4). Dr. Ronquillo understands her father's condition to be critical and that he may pass at any time. (*Id.* ¶ 5). Given her father's prognosis and grave medical condition, and after discussing the situation with her family, Dr. Ronquillo has made the decision to travel to the Philippines on Friday January 26, 2024, to be with her father and her family. (*Id.* ¶¶ 6 and 7). She is tentatively planning to return to Wisconsin on February 10, 2024. (*Id.*) Trial is currently scheduled to begin on February 5, 2024, at 8:30 a.m. (Dkt. 272.)

Dr. Ronquillo will be unavailable for at least the next two weeks to prepare for the upcoming trial. (*Id.* ¶ 8). Further, she will not be available at trial to testify, defend herself and to act as a resource to the undersigned during the trial. (*Id.* ¶. 9).

The undersigned was informed of Dr. Ronquillo's father's medical condition and Dr. Ronquillo's plan to fly to the Philippines to be with her father and family on January 22, 2024. (Declaration of Randall R. Guse, ¶ 3). Due to Dr. Ronquillo's unavailability from January 26, 2024, through February 10, 2024, the undersigned will be unable to properly prepare this case for trial (*Id.* ¶ 4). Further, the undersigned is unable to properly defend this case at trial without Dr. Ronquillo present to testify at trial and present to fully participate in trial. (*Id.* ¶ 5). Dr. Ronquillo's knowledge, experience and expertise are critical to the undersigned's ability to prepare this case for trial and also defend this case at trial. (*Id.* ¶ 6).

II. APPLICABLE LAW

Federal Rule of Civil Procedure 40 grants the Court wide latitude relating to its trial calendar. Fed. R. Civ. P. 40. While a trial date must be adhered to unless there are "compelling reasons" for granting a continuance, *United States v. Reynolds*, 189 F.3d 521, 527 (7th Cir. 1999), "myopic insistence" on proceeding to trial in the face of a valid request for a continuance is not

appropriate. *United States v. Farr*, 297 F.3d 651, 655 (7th Cir. 2002).

Specifically, district courts in the Eastern District of Wisconsin have granted an adjournment of an upcoming trial due to a major family medical emergency. *See United States v. Harris*, No. 17-CR-167, 2018 U.S. Dist. LEXIS 134950, at *2 (E.D. Wis. Aug. 2, 2018) (finding good cause to grant continuance of trial date after defendant's counsel experienced major family medical emergency); *Gary v. United States*, No. 07-C-0633, 2013 U.S. Dist. LEXIS 43506, at *14 (E.D. Wis. Mar. 27, 2013) (good cause for granting adjournment as the principal prosecutor in case had a family member with a serious medical problem requiring prosecutor to travel to attend to his father and to visit with him as a result of a stroke).

In this case, Dr. Ronquillo's father lives in the Philippines and his health is rapidly deteriorating and his passing is imminent. Due to the emergent nature of her father's health, Dr. Ronquillo has made the decision to fly to the Philippines to spend as much time with him before he passes and to provide support to the rest of her family. Dr. Ronquillo's unavailability derailed the trial preparation of Dr. Ronquillo and her counsel for the upcoming trial scheduled to begin February 5, 2024.

Dr. Ronquillo is the primary witness for the defense and her unavailability has precluded defense counsel from meeting with her to prepare her for her testimony and to consult with on other aspects of the case.

Similarly, Dr. Ronquillo's unavailability for trial will make it extremely difficult, if not impossible, for the undersigned to properly defend this case. Not only is Dr. Ronquillo's testimony critical to the defense, her continued presence during trial is necessary as her knowledge, experience and expertise will assist counsel throughout trial.

The emergent nature of Dr. Ronquillo's father's medical condition presents a compelling

reason sufficient for this Court to grant an adjournment of the upcoming trial. Therefore, the defendant Dr. Ronquillo respectfully requests that the Court grant her motion to adjourn the trial scheduled to commence on February 5, 2024.

Dated this 23rd day of January, 2024.

Respectfully Submitted,

OTJEN LAW FIRM, S.C.

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